Supreme Court, U.S.
FILED
MAR 8 1993
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No. 92-1529

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER 1992

RICHARD LAFFERTY

Petitioner,

vs.

JAMES MIKE HILL, JR.,
DBA HILL'S MINI STORAGE,
RICHARD BROWER, and
JENNIFER K. BROWER

Respondents.

PETITION FOR A WRIT OF CERTIORARI
TO
THE SUPREME COURT OF FLORIDA

PETITION FOR A WRIT OF CERTIORARI

Richard Lafferty, Pro Se
208 N.W. 4th Ave.
Gainesville, Fla. 32601

QUESTION PRESENTED

May a lie told by the defense attorney be used as the basis for denying the right to appeal?

LIST OF PARTIES

All parties to this action are stated in the caption.

OPINION BELOW

There is no report of the opinion below.

GROUNDS FOR JURISDICTION

1. Order dismissing appeal, dated September 15,1992.
2. Order denying motion to reinstate appeal, dated December 22,1992.
3. Jurisdiction is conferred on this Court by Chap. 28 USC Sec. 1257(a).

CONSTITUTIONAL PROVISION INVOLVED:

Preamble to U.S. Const.: We the people of the United States, in Order to form a more perfect Union, Establish Justice, ...

STATEMENT OF THE CASE

I applied to the S.Ct. of Florida for appeal of my case on the basis that I was acting as a voluntary state attorney prosecuting criminal acts committed against myself, among which are theft and perjury, and that in such capacity and such circumstance I have the right to appeal under the terms of Fla.R.App.Proc. 9.140 (c)(1)(A) which provides: The State may appeal an order dismissing an indictment or information or any count thereof.

In answer the defense attorney maintained that my case could not be criminal because all the criminal counts of my complaint had been stricken by the Circuit Court.

Her assertion that all the criminal counts were stricken is a lie and she told this lie for the obvious purpose of defeating my right to appeal.

The Fla.S.Ct. did deny my right to appeal based on her lie, and this is manifestly so because I queried the Fla. S.Ct. on the question and they did not say otherwise and the last pleading of the defense attorney to the Fla.S.Ct. contains the lie of which I speak.

ARGUMENT

The second stated purpose of the Constitution of the United States as contained in the Preamble, is to Establish Justice. The Establishment of Justice is a promise made to citizens of the United States. By being denied the right to appeal based on the known lie of the defense attorney I am being denied Justice in its most basic form. I am being denied the equal protection of the laws as is provided for in the 14th Amend. to that Constitution. I am being denied the privileges and immunities and powers reserved to the

people as is provided for in the 9th and 10th Amends. to that Constitution. And I am being denied the protection of the Common Law.

CONCLUSION

The perpetrators of the crimes against me have never faced trial and because they haven't, I have the right to appeal the fact that they haven't, under the Common Law, and under the Constitution and laws and statutes of the United States, and under the Constitution and laws and statutes of the State of Florida.

Therefore, I ask this Court to grant certiorari to the Supreme Court of Florida.

APPENDIX

(Text of Order Denying Motion to Reinstate Appeal)

SUPREME COURT OF FLORIDA

RICHARD LAFFERTY, Appellant, vs. JAMES MIKE HILL, JR., ETC., ET AL., Appellees.	Dec.22,1992 Case No.80,426 District Court of Appeal, 1st Dist.No.91-2191

Appellant's motion to reinstate appeal is hereby denied. OVERTON, McDONALD, GRIMES, KOGAN and HARDING, JJ., Concur

APPENDIX

(Text of Order Dismissing Appeal)

SUPREME COURT OF FLORIDA

RICHARD LAFFERTY, Appellant, vs. JAMES MIKE HILL, JR., ETC., ET AL., Appellees.	Sept.15,1992 Case No.80,426 District Court of Appeal, 1st Dist.No.91-2191

It appearing to the Court that the District Court of Appeal, First District, did not declare invalid a State Statute or a provision of the State Constitution, and that, therefore, it is without jurisdiction, this appeal is hereby dismissed subject to reinstatement if jurisdiction is established on proper motion filed within (15) days from the date of this order. See Article V, Section 3(b)(1), Florida Constitution.

APPENDIX

(Text of Opinion of District Court)

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

RICHARD LAFFERTY, Appellant, vs. JAMES MIKE HILL, JR., d/b/a HILL'S MINI STORAGE, RICHARD BROWER and JENNIFER BROWER, Appellees.	Case No. 91-2191

Opinion filed July 31, 1992.

Appeal from the Circuit Court for Alachua County; Frederick D. Smith, Judge.

Appellant, pro se.

Joye M. Clayton of Clayton, Johnston, Quincey, Ireland, Felder, Gadd, Smith & Roundtree, Gainesville, for appellees.

PER CURIAM.

AFFIRMED.

ZEHMER, WOLF and KAHN, JJ., concur.